

ORDINANCE NO. 5678

**AN ORDINANCE AMENDING THE GENERAL COMMERCIAL ZONING DISTRICT BY
ADDING “OTHER TEMPORARY, SEASONAL, AND CONTINUOUS RETAIL BUSINESS OR
STRUCTURE” AS A PERMITTED USE TO CHAPTER 17.18.020
AND
REMOVING “SEASONAL AND CONTINUOUS RETAIL BUSINESS OR STRUCTURE” AS A
CONDITIONAL USE IN CHAPTER 17.18.030 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, pursuant to the authority granted to it by Chapter 11-4 of the South Dakota Codified Laws, Rapid City has adopted zoning regulations identifying uses permitted in all zoning districts; and

WHEREAS, Chapter 17.50 of the Rapid City Municipal Code identifies the regulations for temporary uses; and

WHEREAS, Chapter 17.18.020 identifies the uses permitted in the General Commercial Zoning District; and

WHEREAS, Chapter 17.18.030 identifies the conditional uses in the General Commercial Zoning District; and

WHEREAS, the addition of “Other temporary, seasonal and continuous retail business or structure” as a permitted use will allow these uses to be permitted in the General Commercial Zoning District; and

WHEREAS, “Seasonal and continuous retail business or structure” as a conditional use will be removed; and

WHEREAS, the City of Rapid City deems it to be in the City’s best interest to amend Chapter 17.18.020 of the Rapid City Municipal Code by adding, “Other temporary, seasonal and continuous retail business or structure”, as a permitted use and to amend Chapter 17.18.030 of the Rapid City Municipal Code by removing “Seasonal and continuous retail business or structure” as a conditional use.

NOW THEREFORE BE IT ORDAINED by the City of Rapid City that Chapter 17.18.020 and Chapter 17.18.030 of the Rapid City Municipal Code be and hereby is amended to read as follows:

17.18.020 Uses permitted.

The following uses shall be permitted in the GC general commercial district:

1. Retail and distribution establishments, including the manufacture, compounding, processing, packaging or treatment of products for human consumption; sales and display rooms and lots, not including yards for storage of new or used building materials, or yards for any scrap or salvage operations, or for storage or display of any scrap, salvage or secondhand materials. The storage, display and sale of used, repossessed or traded-in merchandise incidental to a retail operation engaged primarily in the sale of new merchandise is permitted;
2. Eating establishments, including drive-in establishments and fast-food restaurants;
3. Service and repair establishments, not to include vehicle repair establishments;
4. Personal service establishments, including barber and beauty shops, shoe repair shops, funeral homes, cleaning, dyeing, laundry, medical and/or dental clinics or offices, pressing, dressmaking, tailoring and garment repair shops with processing on the premises;
5. Hotels, motels and manager's residence of motels, rooming and boarding houses, and restaurants;
6. Commercial recreational structures and uses, such as theaters, bowling alleys, poolrooms, but not including miniature golf courses, driving ranges, and similar uses;
7. Commercial parking lots and garages;
8. Offices, studios, clinics and laboratories;
9. Financial institutions;
10. Private clubs and lodges, except on-sale liquor establishments;
11. Utility substations;
12. On-premises signs as regulated by Chapter 15.28 of this code;
13. Art galleries and museums;
14. Veterinary establishments; provided that all animals shall be kept inside soundproof, air-conditioned buildings;
15. Building materials sales yard and lumber yards; provided that all outdoor storage shall be screened by a 7-foot fence, wall or mass planting;
16. New and used car, truck, motorcycle, snowmobile and boat sales and rentals. Repair shall be permitted as an accessory use to the establishments, provided that all body and/or mechanical repair work shall be completed within an enclosed area. All inoperable vehicles shall be stored within a side yard or rear yard which is screened with an opaque fence at least 6 feet in height. The number of inoperable vehicles stored within a screened yard shall not exceed 1 per 400 square feet of building floor area used for vehicle repair. A minimum of 2 inoperable vehicles per establishment shall be permitted to be stored in a screened yard;

17. Public buildings and grounds other than elementary or high schools;
18. Churches;
19. Business and vocational schools not involving operations of an industrial character;
20. Wholesale and distributing centers not involving over 5,000 square feet for storage of wares to be wholesaled or distributed, nor the use of any delivery vehicle rated at more than 1-1/2-ton capacity, nor a total of more than 5 delivery vehicles;
21. Dwelling units above ground floor and dwelling units other than above ground floor to provide residences for managers of motels, and other uses and structures which are customarily accessory to, and clearly incidental to, permitted or permissible uses and structures;
22. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, dust, odor, vibration, blast or traffic than those previously enumerated in this section;
23. Travel parks as permitted by the Rapid City travel park ordinance;
24. Service establishments and filling stations, not to include vehicle repair. Repair shall be permitted as an accessory use to the establishments, provided that all body and/or repair work shall be completed within an enclosed area. All inoperable vehicles shall be stored within a building or within a side or rear yard which is screened with an opaque fence at least 6 feet in height. The number of inoperable vehicles stored within a screened yard shall not exceed 1 per 400 square feet of building floor space used for vehicle repair. A minimum of 2 inoperable vehicles per establishment shall be permitted to be stored in a screened yard;
25. Vehicle repair establishments, provided that all body and/or mechanical repair work shall be completed within an enclosed area. All inoperable vehicles shall be stored within a building or within a side or rear yard which is screened with an opaque fence at least 6 feet in height. The number of inoperable vehicles stored within a screened yard shall not exceed 1 per 400 square feet of building floor area used for vehicle repair. A minimum of 2 inoperable vehicles per establishment shall be permitted to be stored in a screened yard;
26. Hotel apartment;
27. Drop-off centers for household recyclables; such centers do not involve processing;
28. Garden centers, provided that all outdoor storage be screened with a 6-foot fence or wall;
29. Hospitals;
30. Microcell wireless communications facilities on buildings as defined in § 17.50.400A.;
31. Indoor used or secondhand merchandise sales, provided that merchandise that is for sale, stored or displayed cannot be located outside; ~~and~~

32. Pet stores; [and](#)

[33. Other temporary, seasonal, and continuous retail business or structure as defined in Chapters 17.50.230.H, I, and J.](#)

17.18.030 Conditional uses.

1. Grass skiing;
2. Water slides;
3. Miniature golf courses;
4. Driving ranges;
5. Laboratories and establishments for production and repair of jewelry, eye glasses, hearing aids, prosthetic appliances and dental appliances. Retail trade of these activities must accompany the wholesale or production process;
6. Missions, subject to the following:
 - a. Provide a detailed program and services plan at time of application, including but not limited to, hours of operation, and type and extent of supervision;
 - b. Must meet fire, building and health requirements; and
 - c. Any significant modification in the program and services place will require a new application.
7. Sign contractor shop, subject to the following:
 - a. All outdoor storage shall be screened by a 6-foot fence, wall or mass planting. Such screening plans shall be approved by the Planning Commission and the Common Council; and
 - b. Any other conditions the Council shall deem appropriate.
8. Travel parks or recreational vehicle parks less than 5 acres as regulated by Title 12 of this code;
9. Carwashes subject to, but not limited to, the following considerations:
 - a. Adequate egress and ingress;
 - b. Appropriate landscaping and screening;
 - c. Drainage plan; and

- d. Any other requirements the Council may deem appropriate.
10. Mini-warehousing for storage services, primarily for personal effects and household goods, subject to the following:
 - a. Plans shall be submitted showing ingress and egress, width of driveways, location of buildings, architectural elevations of all buildings indicating height and type of materials to be used, landscaping, screening and security fence and outdoor storage areas. No conditional uses may be granted until the Common Council, at its sole discretion, approves the plan submitted by applicant;
 - b. Exterior building material shall be masonry, concrete or wood or metal simulated wood siding;
 - c. Landscaping shall be required, based on the point system and criteria of Rapid City's landscape regulations;
 - d. Security fencing and screen fencing shall not exceed 6 feet in height, and shall be constructed of wood, decorative block, or chain link fence with slats, as approved by the Common Council;
 - e. Outdoor storage yards shall be screened from view of surrounding properties;
 - f. A local manager shall be required and shall be responsible for maintaining the property and the operation of the facility in conformance with the conditions of approval. This shall not be construed to release the property owner from the ultimate responsibility for maintaining the operation of the facility in conformance with the conditions of approval; and
 - g. Any other conditions the Council shall deem appropriate;
 11. Child care centers;
 12. Planned commercial developments as regulated in §§ 17.50.050 through 17.50.100 of this title;
 13. Planned unit developments as regulated in §§ 17.50.050 through 17.50.100 of this title;
 14. Fraternities, sororities and denominational student headquarters;
 15. Manufacturing of sculptures or other artwork in conjunction with an art gallery, art studio or art school;
 16. Dwelling unit, as part of the principal structure, to be used in conjunction with a permitted use or conditional use; however, a detached caretaker's residence may be permitted as a conditional use in conjunction with a facility when the lot area exceeds 5 acres, provided the unit meets all setbacks required for a residence. A manufactured home may be used as the caretaker's residence; provided it meets all the City of Rapid City requirements for manufactured homes;

17. On-sale liquor establishments;
18. Wholesale and distribution centers not otherwise authorized by § 17.18.020(20) of this code;

~~19. Seasonal retail business or structure on a developmental lot with more than 25,000 square feet of paved parking;~~

~~20. Continuous retail business or structure on a developmental lot with more than 25,000 square feet of paved parking;~~

19.21. Radio, television and cellular communication station and transmission tower;

20.22. Adult day care centers subject to, but not limited to, the following considerations:

- a. Proximity to major arterial;
- b. Proximity to recreation facilities;
- c. Traffic generated by the center;
- d. Hours of operation of the center;
- e. Existing or potential levels of air and noise pollution in the area;
- f. Access from the center to adjacent areas which are used for commercial and industrial purposes;
- g. Appropriateness of outdoor recreation areas. If outdoor recreational areas are permitted, fencing shall be not less than 42 inches in height;
- h. Type of vehicular traffic common to the area; and
- i. Any other requirements Council may deem appropriate.

21.23. Assisted living centers subject to, but not limited to, the following considerations:

a. A lot area of not less than 5,000 square feet plus an additional 1,500 square feet for each assisted living suite or room. For those structures which provide all required off-street parking within the main structure, the lot area required may be reduced to 280 square feet per unit; and

b. There shall be usable open space provided for each suite/room of not less than 170 square feet. Open space does not include drives, parking, and service areas. Not more than 50% of the open space requirement shall be met with common interior spaces limited to community rooms, central dining areas and craft rooms.

22.24. Colleges and universities;

~~23.25.~~ Antique and used furniture, including stripping and refinishing, provided there is no outside storage or display of merchandise;

~~24.26.~~ Indoor craft and flea markets, provided there is no outside storage or display of merchandise;

~~25.27.~~ Retail plumbing sales and service, provided all outside storage is screened by a minimum-7-foot-high fence or wall;

~~26.28.~~ Piano repair, stripping and refinishing;

~~27.29.~~ Off-premises signs as regulated by Chapter 15.28 and in accordance with the requirements of § 17.50.380;

~~28.30.~~ Outdoor firewood storage and sales lot, provided that no power equipment is used in processing the firewood;

~~29.31.~~ Monument sales and engraving subject to, but not limited to, the following considerations:

- a. Actual engraving work to be done in an enclosed area;
- b. Provide detailed plan showing intended type of services and work to be done on site prior to approval;
- c. No outdoor displays, inventory or sales;
- d. No outdoor cranes or equipment used to load or unload monuments;
- e. Any noise, dust or vibrations shall be completely confined within an enclosed building; and
- f. Any other requirements the Planning Commission may deem appropriate.

~~30.32.~~ Microcell wireless communications facilities on poles as defined in § 17.50.400B.

~~31.33.~~ Microbreweries subject to the following considerations:

- a. A microbrewery is defined as an establishment which manufactures less than 5,000 barrels of malt beverages a year;
- b. In addition to the malt beverage manufacturer's license required by SDCL 35-4-2-(14), the operator of a microbrewery must obtain the appropriate city issued retail liquor license if it intends to sell its product directly to the public;
- c. Accessory uses to a microbrewery specifically include, but are not necessarily limited to, the selling of food operation of a restaurant, and/or selling of products associated with the microbrewery or manufacture of beer.

~~32.34.~~ Farm wineries subject to the following regulations:

- a. A farm winery is defined as any winery owned or operated by the owner of a South Dakota farm and producing table, sparkling, or sacramental wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in South Dakota;
- b. Table, sparkling, and sacramental wines are defined as any beverage made without rectification or fortification and containing not more than 18% alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey;
- c. The amount of wine the farm winery is allowed to sell in 1 year is limited to 50,000 gallons;
- d. If the operator of a farm winery intends to sell or serve alcoholic beverages other than the wines produced, the operator must obtain the appropriate city issued retail liquor license;
- e. Accessory uses to a farm winery specifically include, but are not necessarily limited to, the serving of food and/or operation of a restaurant, the selling of glassware, wine literature and accessories, and/or food products.

~~33.35.~~ Non-overnight accessory dog kennels and horse corrals for transitory animals in a Planned Commercial Development (PCD).

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Effective:

